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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,080	03/01/2004	Gcoff C. Gerhardt	04-273 C1	2978
7590 05/22/2007 Anthony J. Janiuk		EXAMINER		
WATERS COI	RPORATION	RODRIGUEZ, WILLIAM H		
34 Maple Street - LG Milford, MA 01757			ART UNIT	PAPER NUMBER
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			05/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, PROM THE MAILING DATE OF THIS COMMUNICATION. Dendration for many be exhibited under the provision of 30° RF1 1:30°, in no event, however, may a reply be simily field If NO period for reply is appelled above, the maximum statutory period will apply and will expire SIX (6) MONTES from the mailing date of this communication. Failur to reply within the set or extended period for reply will, by stakes, cause the application to become ABANDONEO 3d u.S. G. 9 133). Any reply received by the Office later than the maximum statutory priority and apply and will expire SIX (6) MONTES from the mailing date of this communication, even if smely filed, may reduce any seamled placent than disjoilarment. Set 7 GFR 1:74(b). Status 1) Responsive to communication(s) filed on		Application No.	Applicant(s)				
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Art Unit: 3746

DETAILED ACTION

This is the first office action in response to the above identified patent application filed on 03/01/2004.

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-23 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-23 of **U.S. Patent No. 6,712,587**. Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following reasons:

With regards to independent claims 1 and 11 of the instant application, these claims recite the following elements: a hydraulic cylinder, an inlet chamber, an outlet chamber, a primary piston, a secondary piston, a secondary piston chamber, a first pump, a second pump, a solvent,

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following elements: a hydraulic cylinder, an inlet chamber, an outlet chamber, a primary piston,

a secondary piston, a secondary piston chamber, a first pump, a second pump, a solvent, and a

chromatographic system. Therefore, independent claims 1 and 11 of the patent "anticipates"

independent claims 1 and 11 of the instant application.

Also, claims 2-10 and 12-23 of the patent anticipate dependent claims 2-10 and 12-23 of

the instant application.

Since Gerhardt et al. '587 has the same structure as claimed, it is inherent that Gerhardt et

al. '587 device would be able to perform the recited method steps.

Contact information

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to William H. Rodríguez whose telephone number is 571-272-4831.

The examiner can normally be reached on Monday-Friday 7:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Dr. Ehud Gartenberg can be reached on 571-272-4828. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

William H. Rodriguez

Primary Examiner

Art Unit 3746